

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAVID JOHNSON,	:	
	:	NO. 1:12-CV-00172
Petitioner,	:	
	:	
	:	
v.	:	OPINION AND ORDER
	:	
	:	
WARDEN, LEBANON CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation, (doc. 7), to which no objections were filed.

Having reviewed this matter pursuant to 28 U.S.C. §636(b) and Fed. R. Civ. P. 72, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in its entirety (doc. 7).

Accordingly, the instant proceedings are administratively STAYED and TERMINATED on the Court's docket pending Petitioner's exhaustion of his state remedies, on the condition that Petitioner file a motion to reinstate his case on the Court's active docket within thirty (30) days after fully exhausting his state court remedies through the requisite levels of state appellate review. Petitioner is GRANTED LEAVE to reinstate his case on the Court's docket when he has so exhausted his state remedies, provided that he show that he has complied with the conditions of the stay. A

certificate of appealability should not issue with respect to this decision. Slack v. Daniel, 529 U.S. 473 (2000). The Court CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that with respect to any application by Petitioner to proceed on appeal in forma pauperis, an appeal of this Order would not be taken in good faith and therefore the Court DENIES Petitioner leave to appeal in forma pauperis. Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

SO ORDERED.

Dated: May 29, 2012

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge